

**United States Bankruptcy Court
Eastern District of New York**

-----X 1-10-41743-ess

In re:

Luvia Mancheno,

Chapter 7

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Affirmation in Support of Conversion

Karamvir S. Dahiya of Dahiya Law Offices LLC respectfully submit the following in support of conversion relief.

1. Debtor contacted, Mr. Ismael Gonzales, Esq. (“Gonzales”) to help rescue her from financial distress.
2. Debtor paid huge amount of monies for seeking judicial help.
3. Debtor paid more than \$14,000 dollars for a Chapter 7 and she is still under obligation to pay more pursuant to Retainer signed by her with Gonzales.
4. The propriety of such enormous payment is left to this court jurisdiction under the bankruptcy code.
5. Debtor is behind in payment and she cannot make all the payment at once.
6. She needs time to make payment. The Secured Creditor has refused loan modification.
7. Chapter 13 is the panacea to such precarious predicament.

7. Debtor petitions this court to convert the case to one under Chapter 13.

Law.

8. So long as the case has not previously been converted from another chapter, the debtor can move for such conversion.

11 U.S.C. § 706(a) provides: The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of this title at any time, if the case has not been converted under section 1112, 1208, or 1307 of this title. Any waiver of the right to convert a case under this subsection is unenforceable.

9. There is no misconduct on the part of the debtor, nor is there any imputed allegation of bad faith that which would create obstacle to such conversion. *Marrama v. Citizens Bank of Massachusetts (In re Marrama)*, 127 S. Ct. 1105, 1111-12 (U.S. Feb. 21, 2007).

10. The debtor is clearly capable to making payments to the secured creditor, thus capable of proposing a plan and living up to it.

11. Bankruptcy Rule 1017(f) contemplates that a motion for conversion from Chapter 7 to Chapter 13 will not always be a contested matter. No hearing on the motion is required unless the court orders a hearing.

Wherefore, the court is requested to enter an order converting the case.

Dated: July 28, 2011
New York New York

/s/karamvir s. dahiya
By: _____
Karamvir S. Dahiya, Esq.